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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,423	01/12/2001	Paul Green	PGR-100	2318

23557 7590 10/22/2003

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EXAMINER	
WATSON, ROBERT C	
ART UNIT	**PAPER NUMBER**
3723	13

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/759,423	Applicant(s) GREEN, PAUL	
	Examiner Robert C. Watson	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 September 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 21-37* is/are pending in the application.

4a) Of the above claim(s) *23-37* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 21-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweetland in view of Linton et al.

Sweetland shows a jack removably coupled to an A-frame of a trailer.

Linton et al shows a vehicle jack selectively mountable on a vehicle. The mounting arrangement comprises a first piece 38 mounted to the vehicle and a second piece 32 mounted to the vehicle jack. The second piece can transition between a plurality of vertical positions relative to the first piece by virtue of the plural vertically spaced apertures 36 on the second piece. Pins 42 provide a means for releasably securing the second piece selectively relative to the first piece.

To employ in Sweetland a first piece mounted to the vehicle and a second piece mounted to the vehicle jack would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Linton. One of ordinary skill in the art would have been motivated to do this in order to enable the A-frame mounted jack of Sweetland to be able to transition between a plurality of vertical positions such that the jack will be initially positioned at a correct vertical position relative to the ground before jacking is begun.

Claims 3-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweetland in view of Linton et al as above applied taken with Ebey.

The Sweetland in view of Linton et al mount arrangement as above applied lacks a means of selectively pivoting the jack to a horizontal or stored position.

Ebey teaches that by virtue of providing mating apertures and a locking pin a jack can be selectively pivotable between a horizontal position and a vertical position.

To provide addition mating holes in the first or second mounting pieces of Linton et al so as to enable the vehicle jack to be pivoted between a horizontal and a vertical position would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Ebey. One of ordinary skill in the art would have been motivated to do this in order to enable the jack to be conveniently pivoted from a use to a stored position. Ebey teaches that the mounts may be removeably mounted while Linton et al teaches that the mounts may be permanently mounted. It is no more than an obvious matter of choice to select either of these mounting arrangements absent a showing of criticality.

Claims 23-37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made by original presentation of claims and no traverse has been made.

Applicant's remarks have been given careful consideration. However, these remarks are not persuasive that any error has been made in the rejection(s). Applicant's remarks that the Linton et al jack mounting arrangement would not function in a trailer is certainly found to have absolutely no merit. The jack mounting arrangement teachings of Linton et al has universal application to all vehicles. Indeed,

Linton et al states in column 1, line 8 that the jack mounting arrangment is for "a vehicle". Applicant presents a long discussion about the Sweetland "keyway" and "flange". This entire discussion is found to be irrelevant because the Sweetland structure has been substituted by the Linton et al structure. Applicant further argues that purpose of the Sweetland reference is defeated by modifying the jack mounting arrangement in the manner taught by Linton et al. The primary purpose of the jack in Sweetland is for raising the vehicle so the purpose of the jack in Sweetland indeed has not been defeated by the Linton et al modification. In any case, the elimination of a feature with the consequent loss of its function (ie., the removability of the jack) is an indication of obviousness. Lastly, applicant's arguments are not commensurate with the extremely broad scope of claim 1. Applicant is merely claiming a first piece and a second piece, whereby the first and second pieces can transition between a plurality of positions. Applicant cannot argue that this broad recitation is not shown in Linton et al. The mere choice of the vehicle in which the pieces are mounted such as a vehicle having an A-frame does not make these elements patentable in view of the fact that jacks already exist on vehicles having A-frames as demonstrated by Sweetland.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 703 308-1747. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 703 308-2687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1148.

rcw

ROBERT C. WATSON
PRIMARY EXAMINER